

Application Serial No. 10/660,492
Amendment after final dated November 16, 2004
Reply to final Office action of August 18, 2004

REMARKS

Claims 1 through 15 are pending in this application. Claim 16 is cancelled herein. Claims 1, 9, 12, and 15 are amended herein. In particular, claims 1, 9, 12, and 15 have been amended to remove the recitation "single, non-cascaded," and the labels "first" and "second" have been applied to the respective optical axes. Support for the amendments to the claims generally may be found in the specification and claims as originally filed and in Figs. 4, 5, and 6. Support for the amendment to claim 15 may be found in claim 16 as filed originally. This amendment is believed to place the application in condition for allowance. Entry of this amendment is thus respectfully requested. Reconsideration is also requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicant appreciates consideration of their arguments. The final Office action asserts at paragraph 11, page 8, that "since the features of the instant claims are met by the patent, no obviousness-type double analysis is required." This is submitted to be incorrect. The Office action mailed March 1, 2004 itself, for example, states at paragraph 8, page 5 that the claims are not identical.

Furthermore, the present application is a continuation of the application from which U.S. 6,634,759 to Li issued. A double-patenting rejection is not an anticipation-type rejection. An Applicant is entitled to pursue claims broader than issued claims in a continuation application, even if all the elements of a broader claim are recited in an issued claim. Since the present application is a continuation of the application from which the '759 patent issued, whether or not the features of the instant claims may be met by the '759 patent is of no particular relevance to a double patenting rejection. Still, in the interest of compact prosecution, the Applicant submits herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent. The double patenting rejection is thus submitted to have been rendered moot.

Information Disclosure Statement:

The final Office action continues to assert that the IDS filed September 12, 2003 fails to comply with the provisions of 37 C.F.R. §1.97, 37 C.F.R. § 1.98 and M.P.E.P. § 609 because it does not enable differentiation between review of references cited in the parent application and review of the references in the present application. 37 C.F.R. § 1.98(d), however, dispenses

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with any requirement for submitting a new, non-initialed copy of a PTO-1449 that was submitted previously in the parent application. The Office is thus without authority to require such a new, non-initialed copy.

Furthermore, M.P.E.P. § 609(I)(A)(2) provides that "The examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 C.F.R. § 1.53(b)." Since the M.P.E.P. assures us that the references considered in the parent application *will be* considered in the present application, there is submitted to be no need to differentiate between review of references cited in the parent application and review of the references in the present application.

The IDS filed September 12, 2003 was filed before the mailing of the first final Office action on the merits in the present application, and is thus submitted to meet the requirements of 37 C.F.R. § 1.97(b)(3). Furthermore, the IDS filed September 12, 2003 identified properly parent application serial number 09/669,841 upon which the present application relies for an earlier effective filing date under 35 U.S.C. § 120, as required by 37 C.F.R. § 1.98(d)(1). Furthermore, the IDS filed in the earlier application complied with the requirements of 37 C.F.R. § 1.98(a) through (c), as required by 37 C.F.R. § 1.98(d)(2). The IDS filed September 12, 2003 is thus submitted to meet the provisions of 37 C.F.R. § 1.98. in a parent application when examining (A) a continuation application filed under 37 C.F.R. § 1.53(b)." The Applicant thus requests respectfully that the information to which the IDS filed September 12, 2003 referred be considered on the merits in accordance with the provisions of 37 C.F.R. § 1.97, 37 C.F.R. § 1.98 and M.P.E.P. § 609(I)(A)(2).

Claim Rejections - 35 U.S.C. § 112:

Claims 1 through 15 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 12, and 15 have been amended to remove the recitation "single, non-cascaded," and the rejection is thus submitted to be rendered moot. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 1, 2, 3, 5, 7, 8, 9 and 11 through 15 were rejected under 35 U.S.C. § 102(b) as

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anticipated by Li, US 5,707,131. The rejection is traversed.

Claim 1 recites:

"a first and a second focal points on said first optical axis" and "a first and a second focal points on said second optical axis."

Li '131 neither teaches, discloses, nor suggests first and second focal points on first or second optical axes, as recited in claim 1. In Li '131, rather, light from source S, which is positioned at a distance y_0 from the optical axis Z, as described at column 1, lines 46 and 47, converges at a point on the *opposite* side of the optical axis, as described at column 1, lines 49 and 50, rather than converging at a focal point *on* a first or a second optical axis, as recited in claim 1. Similarly, radiation is collected at a target *offset* from the optical axis of the second concave reflector by a fourth predetermined distance, as described at column 2, lines 37-40, rather than converging at a focal point *on* a first or a second optical axis, as recited in claim 1.

Furthermore, first source S₁ and second source S₂ are on opposite sides of optical axis Z₁ of reflector M₁, as shown in Fig. 2 and described at column 3, lines 4, 5, and 9-15, rather than being placed on the optical axis as recited in claim 1. Y is not an optical axis of either reflector M₁ or M₂, contrary to the assertion in the Office action mailed March 1, 2004 at paragraph 4 on page 3. Y, rather, is simply an axis *common* to reflectors M₁ and M₂, as described at column 3, lines 7 and 8. Z₁, not y, is the optical axis of reflector M₁, as described at column 3, lines 4 and 5, while Z₂ is the optical axis of reflector M₂, as described at column 3, lines 5 and 6.

Furthermore, since reflectors M₁ and M₂ are concave reflectors with radii of curvature r_y, as described at column 3, lines 1 and 2, reflectors M₁ and M₂ each have only one focal point: centers of curvature O₁ and O₂, respectively, rather than a first and a second focal points as recited in claim 1. Neither S₁, S₂ nor I are at focal points of reflectors M₁ or M₂.

Furthermore, since each reflector has an aperture of diameter A placed symmetrically about the optical axis z, as described at column 1, lines 44 and 45 and column 3, line 2, and shown in Figs. 2 and 3, common axis y cannot be an optical axis, since there is no way to place an aperture of diameter A symmetrically about it.

Furthermore, radiation received by reflector M₂ is collected and condensed at point I at an equal and opposite distance from the center of curvature O₂ (through which optical axis Z₂ passes) as second source S₂, as shown in Fig. 2 and described at column 3, lines 5, 6, and 28-

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32, rather than being placed on the optical axis as recited in claim 1. As for Fig. 3, neither reflector M₁ nor reflector M₂ have a first *and* a second focal points, as recited in claim 1. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, 5, 7, 8, 9 and 11 depend from claim 1 and add further distinguishing elements. Claims 2, 3, 5, 7, 8, 9 and 11 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 7, 8, 9 and 11 is also earnestly solicited.

Claim 12 recites:

"at least two focal points on said first optical axis" and "at least two focal points on said second optical axis."

Li '131 neither teaches, discloses, nor suggests two focal points on first or second optical axes, as discussed above with respect to claim 1. Claim 12 is submitted to be allowable as well, for at least those reasons discussed above with respect to claim 1. Withdrawal of the rejection of claim 12 is earnestly solicited.

Claims 13 and 14 depend from claim 12 and add further distinguishing elements.

Claims 13 and 14 are thus also submitted to be allowable. Withdrawal of the rejection of claims 13 and 14 is also earnestly solicited.

Claim 15 recites:

"a first focal point on a first optical axis . . . (and) a second focal point on said first optical axis" and "a first focal point on a second optical axis . . . (and) a second focal point on said second optical axis."

Li '131 neither teaches, discloses, nor suggests a first and second focal points on first or second optical axes, as discussed above with respect to claim 1. Claim 15 is submitted to be allowable as well, for at least those reasons discussed above with respect to claim 1. Withdrawal of the rejection of claim 15 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 4, 6, and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Li '131. The rejection is traversed. Reconsideration is earnestly solicited.

Claims 4, 6, and 10 depend from claim 1 and add further distinguishing elements. Li '131 neither teaches, discloses, nor suggests first and second focal points on first or second optical axes, as discussed above with respect to claim 1. In this regard, Applicant notes that no

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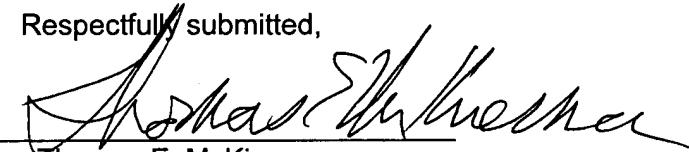
art has been cited in support of statements made in the final Office action to the effect that the features of claims 4, 6, and 10 are well-known. Furthermore, the motivation provided in the final Office action for the prior art to include such features appears merely to be hindsight reconstruction of the invention. Claims 4, 6, and 10 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4, 6, and 10 is earnestly solicited.

Claim Rejections - Double Patenting:

Claims 1 through 15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of Li, US 6,634,759. Submitted herewith is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent. The double patenting rejection is thus submitted to have been rendered moot. Withdrawal of the rejection of claims 1 through 15 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 15 are allowable over the cited references. Allowance of all claims 1 through 15 and of this entire application are therefore respectfully requested.

Respectfully submitted,
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